

may—but need not—involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

Operator means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place to which a vessel is bound to anchor or moor.

Public vessel means a vessel that is owned or demise- (bareboat-) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 84-039, 50 FR 8614, Mar. 4, 1985; 50 FR 9426, Mar. 8, 1985; CGD 94-027, 59 FR 39459, Aug. 3, 1994; CGD 92-050, 59 FR 39966, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996; USCG-1999-5832, 64 FR 34715, June 29, 1999]

§ 160.205 Waivers.

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

§ 160.207 Notice of arrival: Vessels bound for ports or places in the United States.

(a) The owner, agent, master, operator, or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, agent, master, operator, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place; and
- (11) Name and telephone number of a 24-hour point of contact.

(d) *International Safety Management (ISM) Code (Chapter IX of SOLAS) Notice.* If you are the owner, agent, master, operator, or person in charge of a vessel that is 500 gross tons or more and engaged on a foreign voyage to the United States, you must provide the ISM Code notice described in paragraph (e) as follows:

(1) *ISM Code notice beginning January 26, 1998, if your vessel is*—a passenger vessel carrying more than 12 passengers, a tank vessel, a bulk freight vessel, or a high-speed freight vessel.

(2) *ISM Code notice beginning January 1, 2002, if your vessel is*—a freight vessel not listed in paragraph (d)(1) or a self-propelled mobile offshore drilling unit (MODU).

(e) *Content and Manner of ISM Code Notice.*

(1) ISM Code notice includes the following:

(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel.

(ii) The date of issuance for the vessel's Safety Management Certificate, and,

(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.

(2) If you meet the criteria in paragraph (d) of this section, you must give the ISM Code notice to the Coast Guard Captain of the Port of the port or place of your destination in the U.S. at least 24 hours before you enter the port or place of destination. The ISM Code notice may be combined and provided with the report required by paragraph (a) of this section.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 91-045, 59 FR 40189, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996; CGD 97-067, 62 FR 65206, Dec. 11, 1997; 63 FR 5458, Feb. 3, 1998; CGD 97-067, 63 FR 44117, Aug. 17, 1998]

§ 160.209 [Reserved]

§ 160.211 Notice of arrival: Vessels carrying certain dangerous cargo.

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, bound for a port or place in the United States and carrying certain dangerous cargo, shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of the:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place;
- (11) Name and telephone number of a 24-hour point of contact;
- (12) Location of the vessel at the time of the report;
- (13) Name of each of the certain dangerous cargoes carried;
- (14) Amount of each of the certain dangerous cargoes carried;

(15) Stowage location of each of the certain dangerous cargoes carried; and

(16) Operational condition of the equipment under § 164.35 of this chapter.

(b) The owner, agent, master, operator, or person in charge of a barge bound for a port or place in the United States carrying certain dangerous cargo shall report the information required in paragraphs (a)(1) through (a)(4) and (a)(8) through (16) of this section to the Captain of the Port of the port or place of destination at least 4 hours before entering that port or place.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 94-089, 61 FR 50234, 50235, Sept. 25, 1996]

§ 160.213 Notice of departure: Vessels carrying certain dangerous cargo.

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo, shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of the:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place;
- (11) Name and telephone number of a 24-hour point of contact;
- (12) Name of each of the certain dangerous cargoes carried;